

**BYLAWS AND RULES OF PROCEDURE  
APPOMATTOX COUNTY JOINT PLANNING COMMISSION**

**ARTICLE 1 - OBJECTIVES**

- 1-1 This Commission, established in conformance with the resolution adopted by the Board of Supervisors of Appomattox County, Virginia, on July 10, 1963, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of Code of Virginia, 15.2-2210 et seq.
- 1-2 The official title of this commission shall be the “Appomattox County Joint Planning Commission.”

**ARTICLE 2 – MEMBERS**

- 2-1 Membership requirements shall be dictated by Chapter 19.1 of the Appomattox County Code and by the joint agreement with the Town of Pamplin, Virginia, as directed by Chapter 19.1.

**ARTICLE 3 - OFFICERS AND THEIR SELECTION**

- 3-1 The officers of the Planning Commission shall consist of a Chairman, a Vice Chairman and a Clerk. Beginning with the January, 2016 selections, the Planning Commission shall rotate the Chairman and Vice-Chairman by election district following alphabetical order of the districts. The Town of Pamplin representative shall be placed in the rotation following the Wreck Island District representative. The At-Large representative shall be placed at the end of this rotation following the Town of Pamplin representative. Any member may decline the opportunity to serve as an officer. In such event, the next member in the district alphabetical order may serve.
- 3-2 Nomination of officers shall be made from the floor at the annual organizational meeting each year held in January. There is no requirement that a nomination be seconded. Election of officers shall follow immediately. So long as the Clerk is an agent of the Board of Supervisors (i.e. Planner, Zoning Administrator, etc.) annual appointment shall not be required, otherwise, the Clerk shall be appointed annually along with all other officers.
- 3-3 A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. He or she shall take office immediately and serve for the remainder of the calendar year or until a successor shall take office.
- 3-4 Vacancies in office shall be filled immediately by the following election procedure. Nominations for each office shall be made by the membership during open meeting; there

is no requirement that a nomination be seconded. The Chairman shall receive all nominations for the open office or offices. In the event of an election for Chairman, the Clerk shall receive nominations. Once nominations have been received, the membership shall vote on each until a candidate receives a majority vote of the membership.

#### **ARTICLE 4 - OFFICERS**

4-1 The Chairman shall be a member of the Commission and shall:

- 4-1-1 Preside at all meetings.
- 4-1-2 Appoint committees, special and/or standing.
- 4-1-3 Rule on all procedural questions (subject to a reversal by a two-thirds [2/3] majority vote of the members present).
- 4-1-4 Be informed immediately of any official communication and report same at the next regular meeting.
- 4-1-5 Carry out other duties as assigned by the Commission.

4-2 The Vice Chairman shall be a member of the Commission and shall:

- 4-2-1 Act in the absence or inability of the Chairman to act.
- 4-2-2 Have the powers to function in the same capacity as the Chairman in cases of the Chairman's inability to act.

4-3 The Clerk shall be the County Planner, Zoning Administrator, or other agent appointed by the Board of Supervisors, and shall:

- 4-3-1 Keep a written record of all business transacted by the Commission.
- 4-3-2 Notify all members of all meetings.
- 4-3-3 Keep a file of all official records and reports for the Commission.
- 4-3-4 Certify all maps, records, and reports of the Commission.
- 4-3-5 Give notice of all hearings and public meetings.
- 4-3-6 Attend to the correspondence of the Commission.
- 4-3-7 Keep a set of minutes.
- 4-3-8 Prepare and be responsible for the publishing of advertisements relating to public hearing.

#### **ARTICLE 5-QUORUM AND MANNER OF VOTING**

A majority of the Commission membership shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance shall adjourn to a later time when a quorum is present to transact business.

No ordinance or resolution shall be passed except by a recorded affirmative roll call vote of a majority of all the members present at the time of the vote.

## **ARTICLE 6 - STANDING AND SPECIAL COMMITTEES**

- 6-1 The following standing committees shall be appointed by the Chairman when needed. Necessary committees should be appointed when needed.
- 6-1-1 A Comprehensive Plan Committee shall be composed of at least three members. They shall coordinate the work of the other committees as it progresses and relate it to the overall program and keep the Comprehensive Plan developing in a realistic and reasonable manner.
- 6-1-2 A Zoning Committee shall be formed for the County and Town of Pamplin. The Zoning Committee shall be composed of at least three (3) County representatives and the member of representing the Town of Pamplin. The Zoning Committee shall be responsible for reviewing and developing amendments to the respective zoning ordinances. The committee, at their discretion, may also meet to discuss issues germane to their localities and present recommendations on such issues to the Commission.
- 6-1-3 A Capital Improvements Committee shall be composed of at least five (5) members. The committee shall be responsible for reviewing the Appomattox County Capital Improvements Plan and associated staff reports, and making recommendations on its adoption to the full Commission.
- 6-2 Standing committees may be appointed for one (1) year at the annual organizational meeting of the Commission. Vacancies shall be filled by the Commission Chairman.
- 6-3 Special committees may be appointed by the Chairman for purposes and terms approved by the Commission.

## **ARTICLE 7 - MEETINGS**

- 7-1 Regular meetings of the Commission shall be held on the second Wednesday of each month at 6:00 PM. When a meeting date falls on a legal Holiday, the meeting shall be held on the day following unless otherwise designated by the Commission. The Commission shall hold regular meetings on such days as may be prescribed at the annual organizational meeting in January of each year. The Commission shall give notice of the date, time, and location of its meetings by placing a notice in a public location at which notices are regularly posted, or in the office of the Clerk to the Commission. The Clerk may publish meeting notices by electronic means. The meeting date, time, location may be changed by a majority vote of the membership. Notice of such change shall be posted in a public location at which notices are regularly posted or in the office of the Clerk to the Commission, at least three working days prior to the meeting to be held pursuant to the change. The Clerk shall give written notice to the members, personally or by registered mail, any change from the regular meeting days established by this section.

- 7-2 All regular meetings of the Commission shall be open to the public, except when the Commission is in closed session pursuant to Section 2.2-3711 of the Virginia Code. All regular meetings, except closed session, shall be open to the media, freely subject to recording by radio, television, and photography at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting under such rules as the Commission may prescribe.
- 7-2 Special meetings shall be called at the request of the Chairman or at the request of a quorum of the membership. Written notice of meetings shall be given to each member at least five days prior to such meetings. It shall state the time of the meeting, date, and the purpose for which such meeting is called. No business shall be transacted at the meeting except such as is stated in the notice, unless all members are present. Notice to the public of a special meeting shall be given contemporaneously
- 7-3 The Chairman, or the Vice-Chairman if the chairman is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for the Commission members to attend a regular meeting, the regular meeting shall be continued until the following month's regular meeting. Such conditions shall be communicated to the members of the Commission and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted on the continued meeting and no further advertisement is required.
- 7-4 A majority of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a majority of the members present. Voting may be by roll call, in which case a record shall be kept as a part of the minutes.
- 7-5 Closed session may be held in accordance with the provisions of the Virginia Freedom of Information Act and pursuant to Section 2.2-3711 of the Virginia Code.
- 7-6 Minutes of all regular and special meetings shall be recorded by written and/or electronic means. Minutes shall be maintained in the office of the Clerk of the Commission. The minutes shall reflect the date, time, and place of the meeting; the members present or absent; a general description of all matters proposed, discussed, or decided; and a record of any votes taken.

Approval of minutes of all but closed sessions shall be considered at a regular Commission meeting. It shall not be necessary to read aloud the minutes prior to approval. Prior to approval, any member may request the privilege of amending or correcting the minutes to accurately reflect the substance of the prior meeting. If objection is made by any Commission member to such amendment or correction, a majority vote of the Commission shall be necessary for adoption of the correction or amendment. The Chair shall sign the adopted minutes.

- 7-7 Regular meetings shall be adjourned no later than 9:00 P.M. If the Commission desires to extend the meeting, a motion unanimously adopted by the members present shall be required. Any items not acted on prior to the 9:00 P.M. deadline shall be deferred to the next regular meeting or an adjourned meeting of the Commission.

## **ARTICLE 8 - ORDER OF BUSINESS**

- 8-1 The order of business for a regular meeting shall normally be:
- 8-1-1 Call to Order
  - 8-1-2 Determination of Quorum; Attendance
  - 8-1-4 Approval of Minutes
  - 8-1-5 Public Hearing(s)/Discussion of Petitions
  - 8-1-6 Old business
  - 8-1-7 New business
  - 8-1-8 Informational Items
  - 8-1-9 Adjournment
- 8-2 Motions shall be restated by the Chairman before a vote is taken. The names of persons making and seconding motions shall be recorded. The final tally shall be recorded with those members dissenting being recorded.
- 8-3 The proceedings of the Commission, except as otherwise provided within these bylaws and applicable State law, shall be governed by Robert's Rules Of Order, Newly Revised and more specifically, the provisions which pertain to the conduction of business for small boards, except as follows: 1) the section indicating that the minutes are accessible to Commission members only is hereby deleted, 2) all motions will require a second, and 3) the Chairman may make and second motions.
- 8-4 The Clerk shall prepare the agenda for each regular meeting conforming with the agenda format outlined in Article 8-1. Except as permitted by at the discretion of the Clerk, every item to be placed on the agenda shall be received in the Office of the County Administrator before the close of business on the Wednesday of the week prior to any regular meeting of the Commission.
- 8-5 The agenda packages shall be transmitted by the Clerk by the close of business on the Friday prior to the regular meeting using whatever means of delivery the Clerk deems best suitable to insure that the Commission members have the agenda packages prior to the regular meeting.

## **ARTICLE 9- HEARINGS AND PUBLIC APPEARANCES**

- 9-1 In addition to those required by law, the Commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.

- 9-2 All public hearings shall follow the requirements set forth in Code of Virginia, Chapter 15.2-2200 et seq.
- 9-3 The case before the Commission shall be summarized by the Chairman, other member delegated by the Chairman, or by the Clerk. Interested parties shall have the privilege of the floor. Records or statements shall be recorded or sworn to, as evidence for any court of law, only after notice is given to the interested parties.
- 9-4 A record shall be kept of those speaking before the hearing.
- 9-5 Public Hearings

It is the purpose and objective of the Planning Commission to give each citizen an opportunity to express his/her views during public appearances and on matter(s) at hand at public hearings. It is the intent to give all speakers equal treatment and courtesy. While it is often necessary to have a presentation by the applicant and/or staff, it is the desire of the Commission to hear from the public, and therefore, the applicant and staff presentations should be as brief as possible. In order to accomplish this objective, it is necessary that certain rules of order prevail at all hearings. The rules and procedures are as follows:

- 9-5-1 Public hearing order of business shall be as follows:
- a. Chairman opens public hearing
  - b. Staff Report
  - c. Questions from the Commission to Staff
  - d. Petitioner's Comments/presentation
  - e. Citizen's Comments
  - f. Petitioner's Rebuttal
  - g. Chairman closes public hearing
  - h. Chairman presides over Planning Commission discussion
  - i. Motion
  - j. Next Public hearing, if necessary, repeat a through h
- 9-5-2 On land use matters a reasonable and sufficient time will be afforded that petitioner to properly and fairly present the subject matter. Ten (10) minutes shall be allocated to the petitioner's presentation. The petitioner shall be allocated five (5) minutes for rebuttal. If additional time is believed to be necessary, then petitioner should contact the Director of Community Development prior to the public hearing. Any member of the Commission may ask the applicant to respond to a specific question. The Chairman, at its discretion, may extend the time allotment for the petitioner.
- 9-5-3 Each speaker will have up to five (5) minutes available whether speaking as an individual or a representative of any group or organization. However, should the

number of registered speakers on any item exceed ten (10), then the time will be adjusted to three (3) minutes for each speaker. Unless instructed by the majority of the Commission present and voting to do otherwise, the Chairman shall enforce the time limits, as appropriate.

- 9-5-4 Order of speakers will be determined on first to register, first to speak basis. A speaker does not necessarily have to register, however, it is encouraged.
- 9-5-5 Speakers will be limited to a presentation of their points of view except that the Chairman may entertain questions for clarification.
- 9-5-6 Debate is prohibited.
- 9-5-7 All comments must be directed to the Planning Commission as a body.
- 9-5-8 Decorum will be maintained. This includes common courtesy from the audience, staff, and Commission to the speaker and from the speaker to the audience, staff, and Commission. Statements, which are demeaning or inappropriate, shall be ruled out of order. Article 13-Conduct of the Public, must be followed.
- 9-5-9 In the event of a large number of speakers resulting in the continuation of the hearing, any persons not heard at the initial public hearing will be the first to speak at the continued hearing.
- 9-5-10 Speakers are requested to leave written statements and/or comments with the Clerk.
- 9-5-11 The Commission shall have the discretion to act on a matter appearing on a public hearing; or the Commission, by majority vote, may defer the matter to the next regular meeting. It shall be the policy of the Commission to leave the record open to receive written comments following a public hearing up until the time that a vote is taken.

## **ARTICLE 10- CORRESPONDENCE**

- 10-1 It shall be the duty of the Clerk to draft and sign all correspondence necessary for the execution of the duties and functions of the Planning Commission.
- 10-2 It shall be the duty of the Clerk to communicate by telephone or other electronic means when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.
- 10-3 All official papers and plans involving the authority of the Commission shall bear the signature of the Chairman, Vice Chairman, or Clerk.

## **ARTICLE 11 - AMENDMENTS**

- 11-1 These rules may be changed by a recorded majority vote of the entire membership after thirty (30) day prior notice of change. Notice shall be to the membership and does not require public notification of any kind.

## **ARTICLE 12- RECONSIDERATION OF MOTIONS**

- 12-1 At any meeting of the Commission, when any vote upon any motion, resolution, ordinance, or question has been announced, it shall be in order for any member of the Commission voting with the prevailing side or who has not voted on the motion, resolution, ordinance or question to offer a motion for reconsideration thereof during the same or succeeding meeting.

## **ARTICLE 13- CONDUCT OF THE PUBLIC**

The efficient and dignified conduct of public business is the ultimate concern of the Commission. Accordingly, it is the policy of the Commission that its meetings be conducted with the highest degree of order and decorum. The Commission's integrity and dignity will be established and maintained at all times during the conduct of public business, and the Commission will permit no behavior which does not comply with this policy. Prohibited conduct at meetings shall include:

1. Campaigning for public office
2. Soliciting of funds
3. Promoting private business ventures
4. Using profanity, vulgar language or gestures
5. Using language which insults or demeans any person or which, when directed at a public official or employee is not related to his/her official duties
6. Making non-germane or frivolous statements
7. Discussions of a sectarian or partisan nature
8. Smoking or eating in the Board Room
9. Addressing question(s) or statement(s) to anyone other than that Chairman. Questions shall be presented to the Chairman, who will, at his/her discretion solicit a response from the appropriate member or staff.
10. Standing in the back or side isles of the Board Room as long as there are sufficient seats available, except for law enforcement personnel.
11. Persons in attendance at the meeting addressing the Commission while members of the Commission are considering a motion, resolution, or ordinance preliminary to vote on the same, except at the discretion of the Chairman.
12. Any person addressing comments or questions to someone other than the Chairman.
13. Wearing hats, caps or other types of headgear.
14. Applause, except following a formal presentation, award, proclamation, or special



recognition.

The Chairman shall preserve order and decorum at all meetings. The Chairman may order the expulsion of any person for violation of these rules, disruptive behavior, or any words or action which incites violence or disorder, subject to appeal to the Commission. Any person who has been so expelled and who at a later meeting again engages in words or actions justifying expulsion may be barred from attendance at future meetings of the Commission for a specified and reasonable period, not to exceed six (6) months, or upon a still subsequent expulsion, a period not to exceed one (1) year either by the Chairman, subject to appeal to the full Commission or by motion passed by the full Commission. Full Commission shall mean all members being present and able to vote.

#### **ARTICLE 14 – CONFLICTS OF INTEREST**

14-1 The Appomattox Joint Planning Commission shall be governed by the provisions of the Conflict of Interests Act, Code of Virginia, as amended, §2.2-3100 et seq.

14-2 A Commissioner shall have a conflict of interest in the following situations:

14-2-1 When a member of a Commissioner's immediate family has a financial or ownership interest in a subject property or business that is before the Commission. Immediate family includes (i) a member's spouse, (ii) any of the member's dependents, and (iii) any relative of whom the member is a dependent.

14-2-2 When a member of a Commissioner's immediate family may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of Commission action.

14-2-3 When a Commissioner has a direct financial interest in a subject property or business that is before the Commission.

14-2-4 When a Commissioner is actively serving as an agent or employee of the property owner that has brought a matter before the Commission.

14-2-5. When a Commissioner has actively served as an agent or employee of the property owner that has brought a matter before the Commission, but is not currently serving as an agent or employee and has not served in either role within a period of twelve (12) months.

14-3 When a Commissioner has a conflict of interest, he or she shall make this fact known to the Chairman in open session prior to any deliberations or discussion of the pertinent subject. The Commissioner shall read a statement which clearly identifies said conflict or reasons for claiming a conflict under Section 2.2-3100 et seq of the Virginia Code. The Commissioner shall be disqualified from voting on the pertinent subject, and the Commissioner's official action on the subject shall be noted as "abstained for conflict of

interest” in the meeting record.

14-4 Commissioners disqualified from voting by reason of conflict of interest shall be permitted to engage in discussion on the pertinent subject upon recognition by the Chairman.

14-5 A Commissioner may, at their sole discretion, abstain from voting on a pertinent subject for reasons not set forth in this Article as a conflict of interest, but in order to avoid any appearance of impropriety. In the case, the member’s official action on the subject shall be noted as “abstained” in the meeting record.

#### **ARTICLE 15-MISCELLANEOUS**

15-1 Only members of the Commission, Board of Supervisors, County Administrator, County Attorney, administrative staff, and other persons expressly invited shall be entitled to enter the area behind the Dais.

15-2 Cameras from the press are encouraged to be set up on the west side of the Boardroom. Members of the press shall not interview the public or staff in the Boardroom while meetings are in session.

**Adopted March 17, 2003**

**Revised January 20, 2009**

**Revised June 14, 2011**

**Revised January 14, 2014**

**Revised April 10, 2019**